

All Law Division initial Case Management Dates will be heard via **12 Person Jury**  
 For more information and to download Case Initiation Form, go to [www.cookcountycourt.org/HOME/2000-Links/Agg4900-SelectTab/12](http://www.cookcountycourt.org/HOME/2000-Links/Agg4900-SelectTab/12)  
 Remote Court date: 6/29/2022 9:30 AM

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, LAW DIVISION**

FILED  
 4/27/2022 4:35 PM  
 IRIS Y. MARTINEZ  
 CIRCUIT CLERK  
 COOK COUNTY, IL  
 2022L003855  
 Calendar, X  
 17676413

ADELAIDE BROWN

v.

NATIONAL CONSTRUCTION RENTALS, WALMART

No. **2022L003855****CIVIL ACTION COVER SHEET - CASE INITIATION**

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand ☒ Yes ☐ No**PERSONAL INJURY/WRONGFUL DEATH****CASE TYPES:**

- ☐ 027 Motor Vehicle  
☐ 040 Medical Malpractice  
☐ 047 Asbestos  
☐ 048 Dram Shop  
☒ 049 Product Liability  
☐ 051 Construction Injuries  
 (including Structural Work Act, Road  
 Construction Injuries Act and negligence)  
☐ 052 Railroad/FELA  
☐ 053 Pediatric Lead Exposure  
☐ 061 Other Personal Injury/Wrongful Death  
☐ 063 Intentional Tort  
☐ 064 Miscellaneous Statutory Action  
 (Please Specify Below\*\*)  
☒ 065 Premises Liability  
☐ 078 Fen-phen/Redux Litigation  
☐ 199 Silicone Implant

**TAX & MISCELLANEOUS REMEDIES****CASE TYPES:**

- ☐ 007 Confessions of Judgment  
☐ 008 Replevin  
☐ 009 Tax  
☐ 015 Condemnation  
☐ 017 Detinue  
☐ 029 Unemployment Compensation  
☐ 031 Foreign Transcript  
☐ 036 Administrative Review Action  
☐ 085 Petition to Register Foreign Judgment  
☐ 099 All Other Extraordinary Remedies

By: Henderson Banks

(Attorney)

(Pro Se)



(FILE STAMP)

**COMMERCIAL LITIGATION****CASE TYPES:**

- ☐ 002 Breach of Contract  
☐ 070 Professional Malpractice  
 (other than legal or medical)  
☐ 071 Fraud (other than legal or medical)  
☐ 072 Consumer Fraud  
☐ 073 Breach of Warranty  
☐ 074 Statutory Action  
 (Please specify below.\*\*)  
☐ 075 Other Commercial Litigation  
 (Please specify below.\*\*)  
☐ 076 Retaliatory Discharge

**OTHER ACTIONS****CASE TYPES:**

- ☐ 062 Property Damage  
☐ 066 Legal Malpractice  
☐ 077 Libel/Slander  
☐ 079 Petition for Qualified Orders  
☐ 084 Petition to Issue Subpoena  
☐ 100 Petition for Discovery

\*\*

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Tertiary Email: \_\_\_\_\_

**Pro Se Only:** ☐ I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice form the Clerk's Office for this case at this email address: \_\_\_\_\_

**IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS,  
COUNTY DEPARTMENT, LAW DIVISION

Adelaide Brown )  
)  
)  
Plaintiff, )  
) Case No. 2022L003855  
v. )  
)  
)  
National Construction Rentals, & )  
)  
Walmart Stores Inc. )  
Defendants. )

**COMPLAINT AT LAW**

NOW COMES Plaintiff, ADELAIDE BROWN, by and through her attorneys, HENDERSON BANKS LAW, LLC, complaining of the Defendants, NATIONAL CONSTRUCTION RENTAL and WALMART STORES INCORPORATED, (hereinafter referred to as "DEFENDANTS"), and in support of her complaint at law, states as follows:

**COUNT I: NEGLIGENCE- WALMART**

1. On June 19, 2020, and at all relevant times, Defendant, WALMART STORES INC., ("WALMART") owned, operated, maintained and controlled a retail store known as, Walmart, Facility #2817, located at 17625 Torrence Ave, Lansing, Illinois 60438.

2. On June 19, 2020, and at all relevant times, Co-Defendant, NATIONAL CONSTRUCTION RENTALS ("NATIONAL"), rented out equipment to WALMART, including steal gates and barriers, and both NATIONAL and WALMART exercised dominion, right of use, and control over real property and gate fixtures located at 17625 Torrence Ave, Lansing, Illinois 60438.

3. On June 19, 2020 and all relevant times alleged herein, and on information and belief, Defendant, WALMART was a Delaware Corporation authorized and doing business in the City of Lansing, County of Cook, State of Illinois.

4. At all relevant times alleged herein, and on information and belief, Defendant, NATIONAL CONSTRUCTION RENTALS was a California corporation authorized and doing business in the City of Lansing, Cook County, State of Illinois.

**EXHIBIT A**

5. On June 19, 2020, Plaintiff, ADELAIDE BROWN (“MS. BROWN”), was an invitee on Walmart’s premises and was visiting the store to purchase items. Defendants knew or reasonably should have known that customers would be visiting their store and that the premises were unsafe.

6. At the aforesaid time and place, there were several steel gate barriers, connecting one to another, lined up parallel to the building, creating a single file line for customers. One or more parts at the bottom of the gate were defective with the feet of the gate bent upward, causing a tripping hazard.

7. At the aforesaid time, one or more parts of the gate were defective, causing Plaintiff ADELAIDE BROWN to slip and fall, causing significant injury.

8. Upon information and belief, Co-Defendant, NATIONAL, installed gate at the aforementioned location.

9. Upon information and belief, WALMART maintained and controlled the gates after they were installed by NATIONAL.

10. In failing to properly install and maintain the gate, Defendants NATIONAL and WALMART knew or reasonably should have known that the defective portion of the gate would cause injury.

11. At the aforesaid time and place, Defendants, NATIONAL and WALMART should have known customers would not be able to appreciate the risk involved with the defective gate.

12. At the aforesaid time and place, Defendants, NATIONAL and WALMART owed the Plaintiff, ADELAIDE BROWN and others a duty to exercise ordinary care to keep the premises reasonably safe so as to not negligently cause injury to those persons lawfully on the premises.

13. At the aforesaid time and place, DEFENDANT WALMART, was guilty of one or more of the following negligent acts and/or omissions:

- a. Carelessly and negligently failed to keep the gate in good condition.
- b. Carelessly and negligently failed to make reasonable inspections to be sure the gate was not defective.
- c. Carelessly and negligently failed to make reasonable inspections to be sure the gate functioned properly.
- d. Carelessly and negligently failed to realize that continuing to use the defective gate created an unreasonable level of risk of harm to Plaintiff ADELAIDE BROWN.
- e. Carelessly and negligently failed to remedy or repair the dangerous condition with the gate.
- f. Carelessly and negligently failed to warn the Plaintiff, ADELAIDE BROWN., of the dangerous condition associated with the gate.

14. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendant, WALMART, Plaintiff, ADELAIDE BROWN, sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which she might have otherwise been entitled.

WHEREFORE, Plaintiff, ADELAIDE BROWN prays for judgment against Defendant, WALMART in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for injuries, losses and damages as herein above alleged, costs of suit, and further relief, which this Honorable Court finds fair and just.

### **COUNT II: NEGLIGENCE – NATIONAL**

15. Plaintiff adopts and realleges paragraphs 1-14 as though fully restated herein.

16. On June 19, 2020, Plaintiff, ADELAIDE BROWN ("MS. BROWN"), was an invitee on Walmart's premises and was visiting the store to purchase items. Defendants knew or reasonably should have known that customers would be visiting their store and that the premises were unsafe.

17. At the aforesaid time and place, there were several steel gate barriers, connecting one to another, lined up parallel to the building, creating a single file line for customers. One or more parts at the bottom of the gate were defective with the feet of the gate to be bent upward, causing a tripping hazard.

18. At the aforesaid time, one or more parts of the gate were defective, causing Plaintiff ADELAIDE BROWN to slip and fall, causing significant injury.

19. Upon information and belief, Co- Defendant, NATIONAL, installed gate at the aforementioned location.

20. Upon information and belief, WALMART maintained and controlled the gates after they were installed by NATIONAL.

21. In failing to properly install and maintain the gate, Defendants NATIONAL and WALMART knew or reasonably should have known that the defective portion of the gate would cause injury.

22. At the aforesaid time and place, Defendants, NATIONAL and WALMART should have known customers would not be able to appreciate the risk involved with the defective gate.

23. At the aforesaid time and place, Defendants, NATIONAL AND WALMART owed the Plaintiff, ADELAIDE BROWN and others a duty to exercise ordinary care to keep the premises

reasonably safe so as to not negligently cause injury to those persons lawfully on the premises.

24. At the aforesaid time and place, Defendant, NATIONAL, was guilty of one or more of the following negligent acts and/or omissions:

- a. Carelessly and negligently failed to keep the gate in good condition.
- b. Carelessly and negligently failed to make reasonable inspections to be sure the gate was not defective.
- c. Carelessly and negligently failed to make reasonable inspections to be sure the gate functioned properly.
- d. Carelessly and negligently failed to realize that continuing to use the defective gate created an unreasonable level of risk of harm to Plaintiff ADELAIDE BROWN.
- e. Carelessly and negligently failed to remedy or repair the dangerous condition with the gate.
- f. Carelessly and negligently failed to warn the Plaintiff, ADELAIDE BROWN., of the dangerous condition associated with the gate.

25. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendant, NATIONAL, Plaintiff, ADELAIDE BROWN, sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which she might have otherwise been entitled.

WHEREFORE, Plaintiff, ADELAIDE BROWN prays for judgment against Defendant, NATIONAL in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for injuries, losses and damages as herein above alleged, costs of suit, and further relief, which this Honorable Court finds fair and just.

**COUNT III: NEGLIGENCE – STRICT LIABILITY-  
NATIONAL**

17. Plaintiff, ADELAIDE BROWN adopts and realleges paragraphs 1 – 25, as though set forth herein.

18. On or prior to, June 19, 2020, Co- Defendant, NATIONAL, purchased or received the gate installed at or near WALMART, facility #2817, 17625 Torrence Ave, Lansing, Illinois 60438.

19. On or prior to, June 19, 2020, Co-Defendant, NATIONAL, installed gate.

20. On or prior to June 19, 2020, Co-Defendant, NATIONAL, failed to provide adequate warnings to persons lawfully on the premises to include, Plaintiff, ADELAIDE BROWN.

21. Co-Defendant, NATIONAL, failed to complete adequate inspections to discover that the foot of the gate needed to be repaired or replaced.

22. Co- Defendant, NATIONAL, exercised significant control over the design or manufacture of the gate.

23. Co-Defendant, NATIONAL, had actual knowledge of the defective foot on the gate.

24. Co- Defendant, NATIONAL, created the defect in the product.

25. At the aforesaid time there was in full force and effect the following Illinois Compiled Statute, 735 ILCS 5/2-621(c):

“A court shall not enter a dismissal order relative to any certifying defendant or defendants other than the manufacturer even though full compliance with subsection (a) of this Section has been made where the plaintiff can show one or more of the following: (1) That the defendant has exercised some significant control over the design or manufacture of the product, or has provided instructions or warnings to the manufacturer relative to the alleged defect in the product which caused the injury, death or damage; or (2) That the defendant had actual knowledge of the defect in the product which caused the injury, death or damage; or (3) That the defendant created the defect in the product which caused the injury, death or damage.”

26. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendant, NATIONAL, Plaintiff, ADELAIDE BROWN sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which she might have otherwise been entitled.

WHEREFORE, Plaintiff, ADELAIDE BROWN prays for judgment against Defendant, NATIONAL, in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for injuries, losses and damages as herein above alleged, costs of suit, and further relief, which this Honorable Court finds fair and just.

#### **COUNT IV: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS- NATIONAL**

27. Plaintiff, ADELAIDE BROWN adopts and realleges paragraphs 1– 26 as though set forth herein.

28. Plaintiff, ADELAIDE BROWN, was severely injured on June 19, 2020 and her injuries were the direct result of Co-Defendant, NATIONAL's, negligence.

29. The direct and proximate cause of the injuries suffered by Plaintiff, ADELAIDE BROWN was the carelessness, recklessness, and negligence of Co- Defendant, NATIONAL.
30. As a direct and proximate result of Co-Defendant, NATIONAL's, negligence, plaintiff, ADELAIDE BROWN sustained great emotional disturbance, shock and physical injury.
31. As a direct and proximate result of Co-Defendant, NATIONAL's, negligence, ADELAIDE BROWN suffered emotional trauma and damages from having a BRAIN BLEED, requiring a Burr Hole to be drilled in her head to relieve pressure. Plaintiff, ADELAIDE BROWN suffered and will suffer pain and physical disability.
32. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendants, NATIONAL, Plaintiff, ADELAIDE BROWN sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of his maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which she might have otherwise been entitled.

WHEREFORE, Plaintiff, ADELAIDE BROWN prays for judgment against Defendants, NATIONAL in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for injuries, losses and damages as herein above alleged, costs of suit, and further relief, which this Honorable Court finds fair and justice.


**COUNT V: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS --WALMART**

33. Plaintiff, ADELAIDE BROWN adopts and realleges paragraphs 1– 32 as though set forth herein.
34. Plaintiff, ADELAIDE BROWN, was severely injured on June 19, 2020 and her injuries were the direct result of Co-Defendant, WALMART's, negligence.
35. The direct and proximate cause of the injuries suffered by Plaintiff, ADELAIDE BROWN was the carelessness, recklessness, and negligence of Co-Defendant, WALMART.
36. As a direct and proximate result of Co-Defendant, WALMART's, negligence, Plaintiff, ADELAIDE BROWN sustained great emotional disturbance, shock and physical injury.
37. As a direct and proximate result of Co-Defendant, WALMART's negligence, ADELAIDE BROWN suffered emotional trauma and damages from having a BRAIN BLEED, requiring a Burr Hole to be drilled in her head to relieve pressure. Plaintiff, ADELAIDE BROWN suffered and will suffer pain and physical disability.
38. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendant, WALMART, Plaintiff, ADELAIDE BROWN sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future



expended, great sums of money to be healed and cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which she might have otherwise been entitled.

WHEREFORE, Plaintiff, ADELAIDE BROWN prays for judgment against Defendants, WALMART in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for injuries, losses and damages as herein above alleged, costs of suit, and further relief, which this Honorable Court finds fair and justice

By:   
Henderson Banks  
Attorney for Plaintiff

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COUNTY DEPARTMENT, LAW DIVISION

Adelaide Brown	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 2022L003855
vi.	)	
	)	
	)	
National Construction Rentals, &	)	
	)	
Walmart Inc.	)	
Defendants.	)	

**RULE 222(B) AFFIDAVIT**

I, Henderson Banks, being first duly sworn on oath, depose and state that the amount of damages sought in the above-captioned cause of action exceeds, \$50,000.00 for the Plaintiff.

By:   
Henderson Banks, Esq.  
Attorney for Plaintiff,

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